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## SLAVERY IN EARLY TEXAS. II.

A NEW danger to the slave interest arose in 1829 in the form of a decree of general emancipation promulgated by the federal executive. In August of that year Vicente Guerrero, the president of the Republic, was invested by Congress with extraordinary powers for the purpose of driving out the Spanish army of invasion which had landed in Mexico.<sup>1</sup> For two years previous to this event, a bill, introduced and ardently advocated by the deputy José M. Tornel, had been pending in Congress, providing for the complete and final emancipation of all slaves in the Republic. It had been received "with applause" by the Chamber of Deputies; but, for some reason not stated by Tornel, its final passage had been delayed by the Senate.<sup>2</sup> Failing to get the measure through Congress, Tornel resorted to the more speedy method of winning over the now absolute Guerrero and carrying his point by means of an executive decree. He chose an opportune moment for pressing the matter. A very pretty custom had come to be observed by the Mexicans as a part of their elaborate celebration of their Independence Day. A portion of the money contributed to pay the cost of the celebration was usually spent in the purchase of a number of slaves; and in the midst of the festivities the president in person, publicly and with great solemnity, gave their freedom to these unfortunates. Slaves had, however, become so scarce in the region of the capital, that as early as 1826 there was difficulty in finding a number sufficient to make the ceremony impressive.<sup>3</sup> Tornel, accordingly, urged the extension of the benefits of the annual custom to the slaves of the whole Republic. Guerrero yielded, and the decree was signed on September 15, 1829. Its three short

<sup>1</sup> Dublan y Lozano, *Legislacion Mexicana*, II, 151.

<sup>2</sup> Tornel, *Breve Reseña Histórica*, p. 85.

<sup>3</sup> Ward, *Mexico in 1827*, I, 36.

paragraphs declared that slavery was abolished, that all negroes were henceforth free and that owners would receive compensation at some future time.<sup>1</sup>

This decree had its inception in Tornel's hostility to the United States.

In the abolition of slavery [he said] is involved the important political object of establishing a barrier between Mexico and the United States, where slavery is maintained in open contradiction to the principles solemnly proclaimed in their Act of Independence of 1776.<sup>2</sup>

But it is not to be inferred that such hostility was general in Mexico ; we must be careful not to refer events of that time to causes and motives that as yet had no widespread existence. A few far-seeing leaders may have appreciated the danger ahead, but it required the developments of several years more to arouse the nation at large. It will be remembered that, in spite of Tornel's advocacy and the absence of an interested opposition, the Senate had declined to establish this barrier between the two countries by emancipating the slaves in Texas. All that can be said is that in 1829 the sentiment against the United States was growing, and that it was at least present in the mind of Tornel when he persuaded Guerrero to issue the emancipation decree.

The decree at once produced the usual commotion in Texas. "We are ruined forever should this Measure be adopted," wrote John Durst to Austin immediately after the news reached Nacogdoches.<sup>3</sup> There seems to have been a spontaneous movement in different quarters to prevail upon the Mexican officials not to publish the decree. Durst presented the matter to the civil and military authorities of Nacogdoches — where, it should be kept in mind, the Mexican influence was very strong — in such a manner that they agreed to suspend publication until a suitable memorial could be sent to the governor.<sup>4</sup> Two weeks

<sup>1</sup> Dublan y Lozano, *Legislacion Mexicana*, II, 163.

<sup>2</sup> Translated from Tornel's *Breve Reseña Histórica*, p. 85.

<sup>3</sup> Durst to Austin, November 10, 1829. — *Austin Papers*, E 15.

<sup>4</sup> *Ibid.*

later, he wrote that the ayuntamiento still adhered to its former position, but that he knew not at what moment it would change front ; for the Mexican commandant possessed much influence and might, if he chose, arouse a strong opposition.<sup>1</sup>

Austin, to whom in such difficulties all Texas looked for leadership, took a similar view of the situation. In reply he wrote to Durst :

What the people of Texas have to do is to represent to the Government through the Ayuntamientos or some other channel, in a very respectful manner that agreeably to the constitution, and the colonization laws *all* their property is guaranteed to them without exceptions in the most solemn and sacred manner. That they brought their slave property into the country and have retained it here, under the faith of that guarantee, and in consequence of a special invitation publically given to emigrants by the government in the colonization law to do so. That they have taken an oath to defend the constitution, and are bound to do so. That the constitution of the state expressly recognizes the right of property in slaves by allowing six months after its publication for their introduction into the State. That they *will* defend it, and with *it*, their property.

There ought to be no vociferous and visionary excitement or noise about this matter. Our course is a very plain one — calm, deliberate, dispassionate, inflexible, *firmness* ; and not windy and ridiculous blowing and wild threats, and much less anything like opposition to the Mexican Constitution, nothing of this kind will do any good, it will in fact be unjustifiable, and will never be approved of by me but on the contrary opposed most decidedly. I will *not* violate my duty as a Mexican citizen.

The constitution must be both our shield, and our arms ; under *it*, and with *it*, we must constitutionally defend ourselves and our property. . . .

If he [the political chief of Bexar] should finally be compelled to publish and circulate it, the Ayuntamientos must *then* take an unanimous, firm, and *constitutional* stand. The people will unanimously support them.

I know nothing of the men who compose the Ayuntamiento of Nacogdoches, if they are true patriots and true friends to themselves and to Texas, they will not suffer that decree to be published or circulated in that Municipality and they will take the stand I have

<sup>1</sup> Durst to Austin, November 24, 1829. — Austin Papers, E 183.

indicated or some other that will preserve the constitution and our constitutional rights from open, and direct violation.

These are my ideas on the matter. I have said the same to my friends in Bexar, and when the decree arrives officially, (which it has not yet) I shall say the same to the Gov<sup>t</sup>. What I do in this matter will be done openly. Mexico has not within its whole dominions a man who would defend its independence, the union of its territory, and all its constitutional rights sooner than I would, or be more ready and willing to discharge his duties as a Mexican citizen ; one of the first and most sacred of those duties is to protect my constitutional rights, and I will do it, so far as I am able. I am the owner of one slave only, an old decrepid woman, not worth much, but in this matter I should feel that my constitutional rights as a Mexican were just as much infringed, as they would be if I had a thousand, it is the principle and not the amount, the latter makes the violation more aggravated, but, not more *illegal* or unconstitutional.<sup>1</sup>

This lengthy quotation from Austin's letter to Durst is here inserted, because it is believed in some quarters that the people of Texas on this occasion willfully defied the government of Mexico, relying for aid, in case of need, on the United States.<sup>2</sup> The letter, however, shows that the Texans were fighting a battle of their own, and that their resistance to the decree was only an episode in the internal history of Mexico, without any connection whatever with the politics or visions of the slave-holding portion of the United States. The revolutionary spirit was not yet abroad in Texas. Stephen Austin, in the above extract, spoke the sentiments of the best and most influential element among the settlers. They believed that their constitutional rights as Mexican citizens had been trampled upon

<sup>1</sup> Austin to Durst, November 17, 1829. — Austin Papers. E 15.

<sup>2</sup> One cannot read such works as Von Holst's and Schouler's on this subject without necessarily connecting the introduction of slaves into Texas with a kind of tacit understanding between the United States and Texas that the latter should be wrested from Mexico. Yet Von Holst, referring to the immigration of the slave-owning colonists into Texas, naïvely remarks : "In this, the heads of individual persons may have been haunted by far-reaching projects ; but I can find no support for the assertion, that back of it there was a definite plan of the 'south.'" (History of the United States, II, 553.) The heads of the colonists of that time were no more haunted by such "far-reaching projects" than were those of the Mexican leaders who framed the colonization laws.

and, as Mexican citizens, they stood ready to defend those rights. These were not the men who led the revolution in Texas. When the inexorable logic of history hurried forward that event, the great majority of these men stood for a peaceable settlement of difficulties, if possible, and they were among the last reluctantly to consent to a complete severance of the political ties that bound them to Mexico. There was no pretense about these sentiments of Austin : they were his real opinions, which were expressed in his addresses to the political chief as well as in his private correspondence with friends. There are threats in the letter quoted, but they were not born of a revolutionary spirit or prompted by the slave-owners of the Southern states of the American Union. They proceeded from a firm conviction that on his side were right and the constitution. There can be but little doubt that Austin looked forward to some kind of resistance to the execution of the decree, in case memorials and representations proved of no avail ; but certainly there is no ground for the opinion that such resistance contemplated the dismemberment of the Republic. The central government was so weak at this time that every politician in Mexico knew that it could be resisted with very little danger of armed collision.<sup>1</sup>

That the views of Austin carried weight with them, even when addressed to the non-slave-holding Mexicans, is demonstrated by the attitude of the political chief of Bexar and the governor of the state, both of whom took up his cause and exerted themselves to secure a modification of the decree. Don Ramon Musquiz, the political chief of the department and a personal friend of Austin's, suspended the publication of the decree until the matter could be laid before the chief executive. His representation to the governor is a dignified statement of the case, and concerns itself almost entirely with the guaranties

<sup>1</sup> In dealing with this question our historians are perhaps too ready to project American ideas into Mexican politics. We of the United States almost necessarily connect *resistance to the government* with *dismemberment of the Republic*. It was not so in Mexico. It was not uncommon, particularly during the period under consideration, for states to decline to enforce the decrees of the central government.

offered the colonists by the laws of the Republic. It emphasizes the fact that in all of the colonization laws solemn promises of security and protection of property were held out to intending immigrants.

Under these guarantees, so solemn, the foreigners, that now inhabit this department, entered it and established themselves; and if *security for their persons and property*, was so solemnly offered to them by the Mexican Nation; and if, what is still more, with the same formality they have been *invited and called* by the state, it seems very hard that they should be deprived, now that they are established, of a part of their property, by the supreme government, and perhaps of that part which most interests them for the purposes of agriculture, the raising of cattle, and other labors, to which they dedicate themselves, and which cannot be effectuated without the aid of the robust and almost indefatigable arms of that race of human species, that are called "*negroes*," and which by their misfortune, are held in slavery.

He reminds the governor that these slaves were brought to Texas as such and for the purposes of agriculture, that to emancipate them would be to destroy so much of the public wealth, that sufficient restrictions have already been thrown around the institution by state laws and that provision has been made for the gradual extinction of the evil. The political chief realized the difficulty of applying the abstract theory of liberty to conditions then existing in Texas; for he saw there was a conflict between the right of liberty and the right of property.

Philanthropy and the natural sentiments of humanity, cry out immediately, in favor of liberty, but the positive laws which regulate society array themselves in favor of property and declare it a sacred and inviolable right.

Once he mentioned the possibility of resistance on the part of the Texans :

I believe the fatal consequences which must result to the colonial establishments of this department by the publication and circulation of the aforementioned decree, will be very apparent to your excellency, whether they arise from the slaves who claim the benefit of it,

or whether from the owners who require the contrary, and without the respect of any authority being sufficient to restrain them.<sup>1</sup>

This memorial, according to the Mexican custom, could not be sent by the political chief to the president, but had to reach the executive through the medium of the governor of the state. It was forwarded by the governor, together with a long remonstrance of his own. After calling attention to the representation of Musquiz, the governor proceeded to say that he should have asked the chief executive especially to exempt Texas from the operation of the decree, even if he had not been urged to do so by the authorities of that department. The decree, if carried into execution in Texas, he continued, would at once destroy those pleasing hopes of its future progress which had been aroused by the colonies then being planted there. Perhaps even the very existence of Coahuila and Texas as a separate state would be endangered by such a crushing blow to its future prospects. Coahuila, he added, looked hopefully to the rapidly increasing settlements in Texas soon to raise the state to a place of consideration and even of great promise in the Mexican confederation; and these settlements, owing to peculiarities of soil and climate, were in great measure dependent for their prosperity upon slave labor. If the planters should lose this labor by the decree of the government, he believed it certain that "this state must separate from itself, for many years, all ideas of its advancement."

The object of the decree, he went on to say, was for a thousand reasons commendable; but political difficulties frequently put themselves in the way of carrying into effect the mandates of philanthropy. Even the most civilized nations had not been able to set aside these political difficulties and still tolerated slavery.

In the United States of the North, in that classic country, cradle of liberty, and of practical philanthropy, so favorable to the independence and dignity of the rational species, we see that it has not been permitted to its wise legislators to gratify the most pleasing wishes of their hearts, on the subject of which I am speaking.

<sup>1</sup> The *Texas Gazette*, January 23, 1830.



Most of the remonstrance was thus occupied with economic and practical objections to the decree. The governor believed, too, that an enforcement of the decree might "draw upon the state some commotions," which would require violent and costly measures to suppress.

Not by this do I wish inferred, that those settlers are of a turbulent and insubordinate character, for up to this time I have received nothing but proof to the contrary — but would refer to the condition of man, and the inclinations of which he is capable, when, from one day to another, he is about to be ruined, as would result to many of them, whose whole fortune consists in their slaves.

In view of these considerations the governor said that he indulged the hope that Texas would be exempted from the operation of the decree, "as one of the greatest benefits which the state under my charge can receive."<sup>1</sup>

These arguments were favorably received by the chief executive and the decree of December 2, 1829, was issued, which denied to the slaves in Texas the benefits of the general emancipation. The president was moved to this act, if we can trust the sincerity of his declaration in the decree, by a combination of the most prominent considerations presented in the remonstrances — namely, the practical inconvenience of carrying the decree into execution, the serious economic results and the possible resistance of the Texans. It would, of course, be difficult to say which of these considerations was the most weighty in the mind of the president. The economic difficulties had been most emphasized in the memorials which reached him, and it is not unlikely that these had at least as much weight with him as the fear of insurrection, particularly as the governor of Coahuila and Texas made such good report of the loyalty and orderly conduct of the Texans. Certainly it is going too far to ascribe the action of the president to his fear of conspiracy between Texas and the slave states of the United States.<sup>2</sup>

<sup>1</sup> The *Texas Gazette*, January 30, 1830.

<sup>2</sup> The decree was transmitted by the secretary of relations to the governor of the state, by the governor of the state to the political chief of Bexar and by the latter to the alcalde of San Felipe. The letters of transmittal are given in full in

The representations of the chief of the department and of the governor of the state, together with the decree of the president issued in reply, appeared in the *Texas Gazette* of January 23 and January 30, 1830, then edited by R. M. Williamson. An editorial commends the action of the political officials, particularly as they and their Mexican friends were not personally interested in the matter. The editor believed that

nothing but the conviction on their part of the vital importance of the colonies to the prosperity of the state, and their determination to protect them, could ever have called forth their united exertions on the subject.

It has been denied that a decree was ever regularly issued excepting Texas from the provisions of the law in question ; indeed, some historians intimate that no such exception was

the *Texas Gazette*. I quote in full the *Gazette's* translation of that of the secretary to the governor, which contains the decree :

"Most Excellent Sir, his Excellency the President having been informed of the note of your Excellency, No. 126, of the 14th of last month, manifesting, conformably with the exposition of the Chief of Texas, which you forwarded, the serious inconveniences apprehended by the execution of the Decree of 15th September last, on the subject of the abolition of slavery in that Department, and the fatal results to be expected, prejudicial to the tranquillity and even to the political existence of the State; and having considered how necessary it is to protect, in an efficacious manner, the colonization of these immense lands of the Republic, has been pleased to accede to the solicitation of your Excellency and DECLARE THE DEPARTMENT OF TEXAS EXCEPTED [the capitals are probably the *Gazette's*] from the general disposition, comprehended in said Decree. Therefore his Excellency declares that no change must be made as respects the Slaves that legally exist in that part of your State governed by your Excellency, expecting from your patriotism and philanthropy, that you will cause the most vigorous vigilance to be used, in order that the general laws and those of the State which prohibits the introduction of new slaves and establishes the liberty of the progeny that are born in your territory, be complied with, so that by this means the time may not be long before the melancholy and repugnant spectacle, may disappear from the Mexican soil, which is presented to the eyes of philosophy, in the slavery of part of the human species, born with equal rights of liberty, with the rest, and which could only have been so abused and vilified, but by right of force, which is without dispute the most barbarous of any known.

"I have the honor to communicate to your Excellency in reply to your before mentioned communication, offering to you my considerations and respect. God and Liberty. Mexico, 2 Dec. 1829. To his Excellency the Governor of the State of Coahuila and Texas." — The *Texas Gazette*, January 30, 1830.

ever made in any manner.<sup>1</sup> Rivera states that the president, out of necessity, ordered General Teran, then in command of the eastern states, not to interfere with the slaves of the Texans. This order, he says, was given in a private letter<sup>2</sup> and not in the form of a decree addressed, as was customary, to the political authorities of the state. Lucas Alaman, the secretary of relations under the government that overthrew Guerrero, also says that the exception was made in a private letter to Teran.<sup>3</sup> An unfortunate mistranslation of Alaman's statement, together with that peculiar spirit which Professor Von Holst breathes into the history of early Texas, has led the latter far astray. He says :

And the government was so powerless against them [the settlers of Texas] that an attempt was made to prevent another revolution by spreading the rumor that it was intended to except Texas.<sup>4</sup>

It was a matter of small consequence, so far as the validity of the decree is concerned, whether it was issued in the

<sup>1</sup> Schouler (History of the United States, IV, 250) says that Texas ignored the decree and makes no mention of the decree of exception. As to Von Holst, see below.

<sup>2</sup> "No obstante la ley sobre libertad absoluta de esclavos, dada por la administracion de Guerrero, siguió la esclavitud en Tejas, con escándolo de la moral y del buen nombre del gobierno, teniendo necesidad el presidente de ordenar al general Teran, por una carta particular, que dejara en aquel territorio lo que en los demas se consideraba immoral."—Rivera, *Historia Antigua y Moderna de Jalapa*, III, 28.

<sup>3</sup> Iniciativa de ley proponiendo el gobierno las medidas que se debian tomar para la seguridad del Estado de Tejas, *etc.*: a report laid before Congress by Alaman, February 8, 1830, printed in Appendix to Filisola's *Guerra de Tejas*, II, 596.

<sup>4</sup> Von Holst, *Constitutional and Political History of the United States*, II, 556 and note. Alaman's language is as follows [all italics in this note are mine]: "Esta resistencia ha traído las cosas á tal punto, que se creia esta fuese la ocasion del rompimiento, y para evitarlo se dió por exceptuado aquel Departamento del cumplimiento de esta disposicion, derogándola no por una providencia ostensible, sino, lo que es muy estraño, por medio de una carta particular escrita por el Sr. Guerrero al general Terán." (Iniciativa de ley propiando, in Filisola's *Guerra de Tejas*, II, 596, 597.) The portion in italics was translated in Exec. Doc., 25th Congress, 2nd Session, Vol. XII, No. 351, p. 315, quoted by Von Holst, as follows: "And in order to avoid this [insurrection], *it was given out* that this department was excepted from the operation of the decree." A more nearly literal translation is: "And avoiding it [insurrection] *was accomplished* [or simply *it was avoided*] by excepting that department from the operation of the decree."

customary manner or as private instructions to Teran; even Alaman admits, in the extract quoted by Professor Von Holst,<sup>1</sup> as well as in another portion of the same document, that the exception was actually made by the government. No doubt the decree was sent to Teran as part of his instructions, and it is possible that it was never published in the Mexican capital. As Alaman was a bitter enemy of Guerrero's and a supporter of the opposition to his government, he was not in a position to have personal knowledge of the acts of that administration. The decree is not found in the Dublan y Lozano collection of laws. Its publication in the *Texas Gazette*, however, with the letters of transmittal from the secretary of relations to the governor of the state, from the governor to the chief of department and from the latter to the alcalde of San Felipe, leaves no room for doubting that it was received through the usual channels by the government of Coahuila and Texas.

Would Texas have resisted the execution of the decree, if the exception had not been made? The people earnestly believed that their rights had been wantonly invaded; and there is an undertone throughout Austin's letter to Durst, quoted above, which sounds very determined. Guerrero's administration was weak and vacillating, and marked throughout by more or less confusion and disorder. The extraordinary powers, in virtue of which both the decree of emancipation and the exception to it were issued, were regarded with great jealousy by the states, and aspiring leaders lost no opportunity to widen the breach between the executive and the nation. The government lost the confidence and the support of the people; and, in consequence, its authority was soon held in contempt by the states. It was no uncommon occurrence for the state governments to decline to enforce the decrees of the executive: at least one law was defied by every state in the Republic.<sup>2</sup> It is not at all improbable, then, that the Texans would, on this occasion, have taken advantage of the weakness of the central government, and would have profited by the example of the other states in

<sup>1</sup> In the Spanish original, not in the translation.

<sup>2</sup> Bancroft, *History of Mexico*, V, 81.

defying objectionable laws ; but such action would have had no greater significance in the matter of negro slavery, and would have had no more connection with the United States, than could be attached to the refusal of the government of Coahuila and Texas to enforce Guerrero's decree regarding taxation. In spite of this incident, the people of Texas were probably the most submissive and orderly body in all Mexico during this administration.

The emancipation decree of 1829 was not generally obeyed elsewhere in Mexico. A new decree freeing the slaves was published on April 5, 1837, in which revolutionary Texas was by express mention excluded from the benefits of the compensation that was promised to all other sections.<sup>1</sup> Such a decree and such an exception would obviously have been useless, if the negroes of all other sections had been living in the enjoyment of their liberty since 1829.

In the meantime hostility to the United States was growing apace. The Mexican statesmen were learning to believe that their sister Republic was not overscrupulous as to means when once it had determined to plant its flag in the territory of a neighbor. Not by armies, battles and invasions does the United States extend its territory, says Bustamante's newspaper,<sup>2</sup> but it begins by advancing absurd claims founded on facts which no historian admits ; and then follow constant reiteration of these claims, the intrusion of the American pioneer, negotiation and, finally, occupation. The far-seeing were, indeed, already beginning to fear that the United States was nourishing unhallowed schemes for the acquisition of Texas. The various offers made by the government for the purchase of all or any part of the coveted territory probably served to strengthen such fears in some and to arouse them in others.

With this dread of the power of the United States, there were growing up also fears as to the loyalty of Texas. It was known to every Mexican that the ties which bound the colonists to their kinsmen in the neighboring Republic were of the

<sup>1</sup> Dublan y Lozano, *Legislacion Mexicana*, III, 352.

<sup>2</sup> *Voz de la Patria*, February 8, 1830.

strongest kind ; but Alaman declares that before General Teran was sent to Texas in 1828 it was not known at the federal capital that the Texans had been persistently evading the laws as to religion and slavery.<sup>1</sup> We are not here concerned with the history of religion in Texas, and we have already seen how the evasion of the slavery law was legalized. Alaman complained bitterly that the state government had neglected to report these facts.<sup>2</sup> Probably the interested silence of the Coahuila officials only added support to the unfavorable attitude which the Mexican politicians were beginning to assume towards Texas.

Teran also found that the colonization laws were not being strictly enforced in Texas in other respects ; along the border whole settlements had been formed without any authorization whatever. These "squatters," who had nothing to lose in civil dissension, were the class really dangerous to Mexico. It was men of this character in the Ayish settlement who made the first threats of resistance to Guerrero's emancipation decree.<sup>3</sup> Henceforward this class, to which the name "agitators" was applied by Austin and his party, grew steadily and became more and more threatening in its attitude towards Mexico. This was the class that constituted the backbone of the revolutionary movement.

No one in all Mexico was more thoroughly alive to the dangers ahead than Lucas Alaman, Bustamante's secretary of relations. He believed that dismemberment could be averted only by closing the gates against Americans ; and on his recommendation the celebrated decree of April 6, 1830, was issued, which prohibited the further immigration of settlers from the United States, except under certain specified conditions.<sup>4</sup> We are concerned here with that decree only in so far as it dealt with the slavery question. Alaman took the view that the slaves in the colonies had been legally freed the

<sup>1</sup> Iniciativa de ley proponiendo, in Filisola's *Guerra de Tejas*, II, 607.

<sup>2</sup> *Ibid.*, II, 597.

<sup>3</sup> *Ibid.*, II, 599, 600.

<sup>4</sup> Dublan y Lozano, *Legislacion Mexicana*, II, 238-240.

moment they entered Mexico, in virtue of the decree of July 13, 1824;<sup>1</sup> but as that decree was not enforced in Texas, the slave interest had developed freely to an alarming extent. He believed that the state of affairs in 1830 was such that an attempt to emancipate the negroes would provoke insurrection "and the loss of Texas would be infallible."<sup>2</sup> Consequently he recommended, and it was decreed, that slaves already in Texas should remain slaves, but that in future the laws as to this matter should be strictly executed.<sup>3</sup> In the meantime immigrants continued to bring their slaves into the country as indented servants, as was allowed and expressly provided for by state law; and a rapid succession of events hurried forward the inevitable conflict between Mexican and American.

No further action in regard to slavery was taken by either state or federal government until the Revolution of 1835-36. No mention was made of it in the Texas Declaration of Independence. The constitution of March 17, 1836, took the matter under consideration, and by its sweeping provisions finally determined the destiny of the negro in Texas. Section nine of the "general provisions" of that constitution declared that all negroes still in bondage, who had been held in slavery prior to the removal of their masters to Texas, should remain in that state, provided they were the *bona fide* property of the persons holding them. Congress was prohibited from passing laws forbidding immigrants to bring their slaves into the Republic; the power to emancipate was withheld from Congress; slaveholders were even denied the privilege of freeing

<sup>1</sup> The decree had not been so interpreted by the authorities in Coahuila and Texas. See POLITICAL SCIENCE QUARTERLY, September, 1898, pp. 398-401, 408, 409.

<sup>2</sup> "En el hecho de pisar el territorio de la República debieron ser manumitidos en virtud de la ley de 13 de Julio de 1824; pero no habiéndose esto verificado, el ententar hacerlo ahora sería escitar una sedición entre los colonos, y la pérdida de Tejas sería infalible."—Iniciativa de ley proponiendo, *etc.*, printed in Appendix to Filisola's Guerra de Tejas, II, 607.

<sup>3</sup> "No se hará variación respecto de las colonias ya establecidas, ni respecto de los esclavos que halla en ellas; pero el gobierno general, ó el particular de cada Estado, cuidarán bajo su más estrecha responsabilidad, del cumplimiento de las leyes de colonización, y de que no se introduzcan de nuevo esclavos."—Art. 10 of decree of April 6, 1830, Dublan y Lozano, Legislación Mexicana, II, 239.

their slaves (except with the consent of Congress), unless they sent the freemen thus created beyond the boundaries of the Republic ; free negroes were not allowed residence in the country without the consent of Congress. Finally, the importation or admission of negroes into the Republic, except from the United States, was declared piracy and forever prohibited.

So ends the first chapter of the history of this institution in Texas. It was settled beyond controversy, by the constitution of 1836, that Texas should remain open to slavery.

There is little evidence of the existence in Texas of any form of the slave trade during the period covered by this paper. No complaint was made by Almonte of the violation of the law of July 13, 1824, and none was mentioned by Alaman as having been made by Teran. Austin's private papers, so far as I know, reveal but one instance. On the occasion of his settlement with the heirs of Joseph H. Hawkins, his partner in the first colony, Austin presented a statement to their agent, in which he expressly disclaimed all responsibility for the loss of "a vast sum in the negro speculation of which John Botts had the management," and definitely asserted that it "had nothing to do with the colony."<sup>1</sup> It seems that Botts had brought thirty or forty slaves to Texas in 1822 or 1823, at least some of whom were the property of Hawkins, and after disposing of them had declined to render an account to the heirs.<sup>2</sup> These are the only references that I have seen to any kind of speculation or trade in negroes prior to 1830.

The slaves brought into Texas seem to have been pretty evenly distributed among the settlers. There were many colonists, of course, who had none ; but the majority of them possessed at least a few. Some even possessed a large number, and came to Texas with the intention of opening large plantations such as those in the Mississippi bottom. Col. Jared E. Groce received one of the largest grants of land made by

<sup>1</sup> Statement presented to . . . Martin, relative to the settlement of the business between S. F. Austin and the late J. H. Hawkins, September 14, 1832. — Austin Papers, A 30.

<sup>2</sup> Nathaniel Cox, New Orleans, to Austin, October 20, 1836. — Austin Papers, A 30.



Austin, — more than forty thousand acres, — because he owned “near one hundred slaves and may be useful, . . . on account of the property he has brought with him.”<sup>1</sup> He seems to have lived in true baronial style, and on at least one occasion he joined Austin in an Indian campaign at the head of an armed and mounted retinue of some thirty of his negroes.<sup>2</sup> This, however, was an exceptional case. The number held by most of the families was much smaller, varying from two or three to perhaps fifteen or twenty. Josiah H. Bell, who managed the affairs of the colony during Austin’s first trip to Mexico, brought only three negroes into the country.<sup>3</sup> John A. Williams had “a few,” six of whom were fit for field hands.<sup>4</sup> Henry and Micajah Munson each owned seventeen;<sup>5</sup> Wyley Martin, three;<sup>6</sup> M. Brenaugh, twelve.<sup>7</sup>

These settlers all came to Texas before 1825. Those who came later brought with them about the same number of slaves to the family as those who came prior to the agitation of the subject. A group of fourteen families who applied for land in 1832 may be taken as representative. Six owned no slaves at all; four of these, however, were evidently younger branches of other families mentioned in the same list. The remaining eight brought with them seventy-eight negroes, three being the smallest number held by any one family and seventeen the largest.<sup>8</sup>

The total number of slaves in Texas in 1829 was stated by Governor Viesca, in his remonstrance against Guerrero’s emancipation decree, at something more than a thousand. It is not positively known whether this estimate included all the negroes in Texas or only those that were brought into the country *as*

<sup>1</sup> Register of Land Titles, General Land Office, Austin, Texas, Translation, I, 264, 265.

<sup>2</sup> Recollections of Gibson Kuykendall, Bryan Collection, Q 2.

<sup>3</sup> Permit to settle in the colony from Austin to Bell, October 6, 1821. — Austin Papers, A 14.

<sup>4</sup> Williams to Austin, September 8, 1824. — *Ibid.*, A 32.

<sup>5</sup> Williams to Austin, January 29, 1825. — *Ibid.*

<sup>6</sup> Martin to Austin, July 31, 1824. — *Ibid.*

<sup>7</sup> Brenaugh to Austin, March 19, 1825. — *Ibid.*

<sup>8</sup> *Ibid.*

*slaves* prior to September, 1827; since those who came later were technically known as indented servants. According to a report made in May, 1829, there were ninety-nine slaves in Nacogdoches,<sup>1</sup> where the white population was 666;<sup>2</sup> there were very few in Bexar and Goliad. By far the largest number belonged to the planters of Austin's colony, where by 1831 the population had grown to 5665.<sup>3</sup> Juan Almonte, who was sent to Texas in 1834 as special agent by the Mexican government, reported that in a total population of 9000 in Austin's colony there were 1000 negroes who had been introduced "under certain conditions guaranteed by the state government."<sup>4</sup> In the department of Nacogdoches he found 9000 inhabitants, including about 1000 negroes brought in under "private contracts."<sup>5</sup> Francis Moore, nearly ten years later, thus contrasts the slave population of Texas with that of the United States :

If he [a visitor from the United States] were from the non-slaveholding states, he would discover a few slaves, and if he were from a slaveholding state he would be surprised to find the proportion of slaves so small.<sup>6</sup>

Stephen F. Austin, who was the guiding spirit in the planting of the colonies in Texas, was not an advocate of slavery. He was the largest landholder in Texas and, had he wished, he could have opened plantation after plantation in the fertile bottoms of the Texas rivers; but he declined to take advantage of the opportunity and never owned more than two slaves at any time after entering Texas.<sup>7</sup> From this the conclusion is

<sup>1</sup> Archives, Texas State Library, No. 328.

<sup>2</sup> *Ibid.*, No. 326.

<sup>3</sup> *Ibid.*, No. 335.

<sup>4</sup> Almonte, *Noticia estadística sobre Tejas*, printed in part in Appendix to Filisola's *Guerra de Tejas*, II, 553.

<sup>5</sup> *Ibid.*, p. 560.

<sup>6</sup> Moore, *Description of Texas*, p. 27.

<sup>7</sup> Austin wrote to his sister, December 12, 1825 (Austin Papers, D 86), that he and his brother owned no slaves. In the letter to Durst, quoted above, he said that he was the owner of one. "Personal Recollections of Stephen F. Austin" (the *Texas Magazine*, September, 1897) state that in 1831 he owned two and give their names.

not necessarily to be drawn that he refused to purchase negroes, on account of moral objections to holding them ; but the fact may serve to emphasize, at least in a negative way, the sincerity of his expressed ideas on the subject.

So long as the existence of the colony was problematical, he made every effort to have slavery at least temporarily legalized ; he fully understood that his colonists must come from the slaveholding portion of the United States ; he found that the soil, climate and products of the region which he intended settling were such that negro labor was almost necessary to successful cultivation ; and he believed that he could induce a better class of immigrants to come to the colony if slavery was permitted. He held the success of this enterprise first in mind ; but he thought that slavery could be so restricted by legislation that it would be comparatively harmless and that it could ultimately be exterminated. In consequence of these views we find him, on all occasions when the federal or national government took the matter under consideration, favoring the admission of slaves. After the colony had been established on a firm basis, Austin thought that a sufficient number of slaves had been brought in ; and so, from 1830, we find him in opposition to the further advance of the institution. His opposition, however, came too late ; a new and more radical element was entering Texas and hurrying it forward to revolution.

During and after 1830, Austin, on many occasions — public and private — made known his views on this subject ; but for the purposes of this paper a few instances will suffice. In a long letter, dated June 16, 1830, to Richard Ellis, George Sutherland, Anthony Winston, R. R. Royall, and others, intending immigrants from Alabama, he stated his views, as they have been given in substance above ; and continuing, he said :

The reasons for a partial toleration of this evil have now ceased ; and the true prosperity and happiness of Texas require that an everlasting bar should be interposed to the further introduction of slaves.

In another part of the same letter he said :

I am of the opinion that Texas will never become a slave state or country. I will be candid with you on this point, and say I hope it never may.<sup>1</sup>

In 1831 he expressed himself as follows :

After the slaves are dead who were introduced before the constitution was published, Texas will be entirely clear of that worst of reproaches against a free and enlightened people.<sup>2</sup>

There is evidence that many of the citizens of Texas were in accord with Austin in these opinions. It was quite possible for a planter in Texas to believe that the further introduction of slaves should be carefully guarded or wholly forbidden, provided his own property was left undisturbed. Almonte reported in 1834 that, while it was true that slaves were brought into the country in evasion of the law, the practice was condemned by the "honorable people."<sup>3</sup> If this statement could be accepted unreservedly, it would indicate that there had been a change in popular sentiment since Guerrero's emancipation decree was issued. The fact probably is that in this instance Almonte's report reflected the views of a few conservative leaders, like Austin, and not those of the mass of the "honorable people."

The attitude of S. Rhoads Fisher, who came from Pennsylvania to Texas, may be accepted as fairly representative of those planters who had entered the country prior to 1830 ; while those who came later brought with them more radical views. In a letter to Austin, under date of August 14, 1830, Fisher thus expressed himself :

Like yourself I detest slavery, but conceive the general views I have there [in an article written by Fisher for the *Texas Gazette*] taken are correct, and am firmly persuaded that the free admission of Slaves into the State of Texas, authorized by an act of our legislature, would

<sup>1</sup> Austin to Richard Ellis, George Sutherland, Anthony Winston, R. R. Royall, and others, June 16, 1830. — Austin Papers, D 94.

<sup>2</sup> Emigration to Texas from Europe (manuscript pamphlet), p. 15. — *Ibid.*, A 11.

<sup>3</sup> Noticia Estadística sobre Tejas, printed in part in Appendix to Filisola's Guerra de Tejas, II, 553.

tend more to the rapid introduction of respectable emigrants than any other course which could be pursued. Our rice and sugar lands require that kind of labour, — and let the preamble to the bill set forth the advantages which would accrue to the State from a *temporary* introduction of Slaves, and therefore limit the period of admission to 5 years, or to any other number that you may deem expedient.<sup>1</sup>

In conclusion, the principal facts as to the history of slavery in Texas are as follows. Spanish law and the approval by the governor of Texas in 1821 of Austin's scheme for the distribution of lands opened the way for the introduction of slaves. In 1823 Austin's efforts in Mexico prevented Iturbide's Junta from abolishing slavery and secured from that body permission for his colonists to bring in their slaves, though the children born of these slaves in Texas were to be free at fourteen. This law was abrogated by the succeeding government, but Austin's first colony was settled under it. The federal law of July 13, 1824, prohibited the slave trade, and may possibly be construed to forbid the further introduction of slaves into Texas, though the authorities in Coahuila and Texas did not so construe it. The *Acta Constitutiva* and the federal constitution of 1824 were silent on the subject. The constituent Congress of Coahuila and Texas, under the leadership of Carrillo, was bitterly hostile to slavery ; but the exertions of Bastrop and the Austins modified that hostility, and the state constitution, adopted by Congress in 1827, allowed immigrants to bring in their slaves for six months after the promulgation of the document. According to this instrument the children of slaves were free at birth. In September of the same year, Congress enacted a law to carry out the provisions of the constitution, and for the first time (if we leave out of consideration the ambiguous decree of July 13, 1824) it became illegal for settlers removing to Texas to bring their slaves with them. In 1828 the government of Coahuila and Texas provided means for evading the law by legalizing contracts made in a foreign country, and the American settlers continued to come with their slaves, now called indented servants. Attempts by

<sup>1</sup> Fisher to Austin, August 14, 1830. — Austin Papers, E 202.

the United States to purchase Texas, together with Teran's disclosures in 1828, then aroused the opposition of a few leaders. Tornel, after failing to get an emancipation decree through Congress, persuaded Guerrero to promulgate it from the executive chair in 1829. Discontent was thus aroused in Texas and sedition threatened ; and on the recommendation of Governor Viesca, supported by the political chief of Bexar and the ayuntamientos of Texas, the president, moved by economic considerations as well as by fear of revolt, excepted Texas from the operation of the decree. The law of April 6, 1830, made no change in the status of slaves then in the country. The Texas Declaration of Independence did not mention the matter. The constitution of 1836 finally settled the question by stringent provisions which put slavery beyond the control of Congress.

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